

01-*P*-0042

Entered - 11/14/00 - sb
CL00L0685 - DIANNE C. MITCHELL

CLAIM OF: **RICHARD M. DICTER**
718 Waterford Place
Atlanta, Georgia 30342

For damages alleged to have been sustained as a result of vehicular damage due to re-paving of the roadway on September 3, 2000 on Wieuca Road.

BY PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE:

BE IT RESOLVED by the Council of the City of Atlanta that the action of the Department of Law be approved in authorizing payment to **RICHARD M. DICTER** the sum of **\$1,294.86** in full settlement and satisfaction of all claims, past, present and future, of every kind and character for damages alleged to have been sustained as a result of vehicular damage due to road construction on September 3, 2000 on Wieuca Road as is more particularly set forth in the within claim; said sum taken from and charged to account 1A01/529017/T31001, Settlement of Suits and Claims, Department of Law.

APPROVED: SUSAN PEASE LANGFORD
CITY ATTORNEY

BY: *Rosalind Rubens Newell*
ROSALIND RUBENS NEWELL
DEPUTY CITY ATTORNEY

APPROVED

JAN 24 2001

WITHOUT SIGNATURE
BY OPERATION OF LAW

FAVORABLE

COM. *P.S. & LA*

DATE *1/16/01*

CHM. *C. T. Monte*

[Signature]
[Signature]
[Signature]

ADOPTED BY
JAN 16 2001
COUNCIL

CERTIFIED
JAN 16 2001

CERTIFIED
JAN 16 2001
Ronald Langford
MUNICIPAL CLERK

**MUNICIPAL CLERK
ATLANTA, GEORGIA**

01-R-0042

A RESOLUTION

**BY PUBLIC SAFETY &
LEGAL ADMINISTRATION COMMITTEE**

BE IT RESOLVED BY the Council of the City of Atlanta that the action of the Department of Law be approved in authorizing payment to **Richard M. Dieter** in the sum of **\$1,294.86** in full settlement and satisfaction of all claims, past, present and future, of every kind and character, for damages alleged to have been sustained as a result of a vehicular damage due to re-paving of the roadway on September 3, 2000 on **Wieuca Road** as is more particularly set forth in the within claim; said sum taken from and charged to Account 1A01/529017/T31001, Settlement of Suits and Claims, Department of Law.

A true copy,

Rhonda Daughin Johnson
Municipal Clerk, CMC

ADOPTED by the Council
RETURNED WITHOUT SIGNATURE OF THE MAYOR
APPROVED as per City Charter Section 2-403

JAN 16, 2001

JAN 25, 2001

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 00L0685

Date: December 12, 2000

Claimant /Victim RICHARD M. DICTER

BY: (Atty) _____

Address: 718 Waterford Place, Atlanta, Georgia 30342

Subrogation: _____ Claim for Property damage \$ 1,294.86 Bodily Injury \$ _____

Date of Notice: 11/13/00 Method: Written, proper X Improper _____

Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X

Date of Occurrence 09/03/00 Place: Wieuca Road

Department Public Works Division: Street Operations

Employee involved _____ Disciplinary Action: _____

NATURE OF CLAIM: The claimant's vehicle was damaged in the above amount when he drove through an area of Wieuca Road that had been recently repaved, but the manhole covers had not yet been raised to the level of the roadway. The City has been on notice of this condition for several months, but has failed to make the roadway safe.

INVESTIGATION:

Statements: City employee X Claimant _____ Others _____ Written _____ Oral X

Pictures _____ Diagrams _____ Reports: Police _____ Dept Report _____ Other _____

Traffic citations issued: City Driver _____ Claimant Driver _____

Citation disposition: City Driver _____ Claimant Driver _____

BASIS OF RECOMMENDATION:

Function: Governmental _____ Ministerial X

Improper Notice _____ More than Six Months _____ Other _____ Damages reasonable X

City not involved _____ Offer rejected _____ Compromise settlement _____

Repair/replacement by Ins. Co. _____ Repair/replacement by City Forces _____

Claimant Negligent _____ City Negligent X Joint _____ Claim Abandoned _____

Respectfully submitted,



INVESTIGATOR - DIANNE C. MITCHELL

RECOMMENDATION:

Pay \$ \$1,294.86 Adverse _____ Account charged: 1A01 X 2J01 _____ 2H01 _____

Claims Manager: [Signature] Concur/date 12-13-00

Committee Action: _____ Council Action _____

COUNCIL OF THE CITY OF ATLANTA
MUNICIPAL CLERK
 City Hall
 55 Trinity Avenue, S.W.
 Atlanta, Georgia 30335

RE: CLAIM FOR DAMAGES

Today's Date: OCTOBER 27, 2000

TOTAL DAMAGES \$687.93

\$63.00 BROKEN SEAT
 \$274.93 FRONT WHEEL BEARING
 \$350.00 RIGHT LOWER CONTROL
 ARM property

Dear Municipal Clerk:

This is to notify the City of Atlanta that I have suffered damages in the amount sum of \$ _____ and/or \$ _____ bodily injury for which I contend the City is liable.

1. Date of incident: 9/3/2T 2. Time of Incident: 9:10PM 3. Police called: XXX
 (month/day/year) Yes No

4. Location of incident (including street address): NORTRH OF INTS. MOUNTAIN/S. OF INTS. LORIDANS
ON WIEUCA

5. Name of your insurance company: STATE FARM Policy No. _____

6. State what and how incident occurred: CITY CONTINUES TO DO SEWER WORK: DID SEWER WORK

IN MAY AND DESPITE OVER 30 CALLS CONTINUES TO LEAVE POTHOLE WHICH
ARE AT LEAST 5 INCHES DEEP LOCATED DIRECTLY ON THE SITE OF WHEEL CONTACT.

LOCATION OF POTHOLE IS ON ENCLOSED SHEET; NUMEROUS PERSONNEL CONTACTED INCL.

PUBLIC WORKS PERSONNEL AT NUMBERS ENCLOSED.
 7. ALL ESTIMATES AND DAMAGES ARE SUBJECT TO INSPECTION. THE MAKING OF FALSE CLAIMS WILL
RESULT IN YOUR CLAIM BEING DENIED AND MAY RESULT IN CRIMINAL PROSECUTION!

8. The registered owner must make the claim for vehicle damages, complete the following and attach two (2) estimates of repair and proof of ownership of your vehicle (copy of the current tag receipt or title).

Your vehicle: SAAB 900 TURBO 1989 WHM 605 RICHARD M. DICTER
 (Make) (Year) (Tag Number) (Driver's Name)

City vehicle: _____
 (Make) (City Driver's Name) (Department/Bureau)

SEE ENCLOSED BILL FOR REPAIR OF DAMAGED ITEMS.

9. Witness: _____
 (Name) (Address) (Telephone Number)

10. The acknowledgment of this claim in no way waives the Sovereign immunity of the City of Atlanta, as granted by State law, nor is it an admission of liability on behalf of the City of Atlanta and/or its employees)

11. This claim should be mailed immediately to the address shown above.

770-660-3353
RICHARD M. DICTER

I HEREBY SWEAR OR AFFIRM THAT THE ABOVE
 INFORMATION IS TRUE AND CORRECT.

Richard M. Dictier
 Signature of Claimant

(Print Claimant's Name)

718 WATERFORD PLACE

ATLANTA, GEORGIA 30342-2383

(City, State and Zip Code)

(Work Number)

(Home Number)

01-R-0042

RCS# 2562
1/16/01
4:17 PM

Atlanta City Council

Regular Session

MULTIPLE

Claims 1-8 Favorable

01-R-0003
01-R-0010
01-R-0011
01-R-0040
01-R-0041
01-R-0042
01-R-0043
01-R-0061

ADOPT

YEAS: 14
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 2
EXCUSED: 0
ABSENT 0

NV McCarty	Y Dorsey	Y Moore	Y Thomas
Y Starnes	Y Woolard	Y Martin	Y Emmons
Y Bond	Y Morris	Y Maddox	Y Alexander
Y Winslow	Y Muller	Y Boazman	NV Pitts

MULTIPLE